

ATTACHMENT

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Question 1: You have provided a statement regarding “in oral solicitations” and “in person” solicitations. Is it accurate that NPA does not contact class members via email or online marketing?

Yes

Do you have scripts or other written materials that show the Court-mandated disclaimers?

Hi, it's [NAME] calling from Merchant Services. Do you have a moment to speak with me regarding your payment processing account?

I'm in the Settlement Services department here at Merchant Services and I wanted to address **your share** of the five-and-a-half-billion-dollar antitrust settlement against Visa and MasterCard. Have you heard about this? The settlement was approved by the federal court last year, and you **are** a member of the **affected** class because you accepted credit and debit card payments at your business between 2004 and 2019.

I know you're busy, so I'll keep this brief. I'm reaching out to schedule a time to meet with you at **your** location to discuss your entitlements to maximize what your business **will** receive from the settlement. Are you with me so far?

Okay, we'll schedule a time in a moment. But **first**, I must read some court-mandated disclosures. So, bear with me. **Okay?**

Your Regional Vice President will assist you with submitting the claims form on your behalf. Of course, there is no-cost to you for providing this service and Class Members need not sign up for any third-party service that charges a fee in order to participate in any monetary relief. Additional no-cost assistance will also be available from the Class Administrator and Class Counsel during the claims-filing period which ends on August 31st, 2024. The court-appointed website is Payment Card Settlement dot com.

The claims period for the settlement runs from 2004 to 2019. You were processing cards in 2004, correct

Outstanding! Now let's schedule a time for one of the VPs from Settlement Services to meet with you at your location next week. Do you prefer mornings or afternoons to hold your meetings?

Okay, it looks like we have availability at [10am] / [2pm] on [day] and [day] of this/next week. Which one works best for you? Perfect, tell me, what's a good email address for you in case we need to send an update.

Got it. Now we're meeting at the [street address] address in [city], correct? Okay, you are all set for [day] the [date] at [time].

Do you have any final questions for me? Okay, I want to thank you for taking time out of your busy day to speak with me and please have a great rest of your day and we'll see you on [day] at [time]!

Question 2: You state that NPA “does not” purport to be from the official settlement administrator in its contacts with class members. We appreciate that your Authorization document contains the required disclaimers. However, the class member that complained specifically stated that she believed she was told that she was receiving a call from the Class Administrator. Can you provide any scripts (as requested above) that make clear that NPA is not the administrator?

- Script provided above

Question 3(a): You state: “NPA plays by the rules.” You also state that you do not charge for services. Neither of these explanations explain why NPA should not provide Class Counsel with a list of any and all class members who have signed up for claims-filing services with NPA.

- It is my understanding that there is no formal complaint. This show cause motion is as a result of a single inquiry from a
 - “class member that specifically stated that she believed she was told that she was receiving a call from the Class Administrator.”
- Our script does not contain any reference that a reasonable person would misconstrue as “a call from the class administrator.”
- It is our belief that this was most likely a misinterpretation of what was said.
- The assertion itself does not justify NPA having to perform time consuming tasks that are not required of all service providers.
- The class members’ business was not visited by NPA
- An online search for [REDACTED] returns the phone number [REDACTED]. NPA performed a search for that number in its call logs for the period July 1, 2024, to August 7th, 2024. During that time period, the number [REDACTED] does not show up anywhere in our call logs.

Question 3(b): You state that with the exception of the “Authorization to File Claim form,” NPA does not enter into other contracts. You also state that NPA does not earn money for claims filing. Finally, you state class members are protected by rule of law and that the class Thomas Fuhrman August 7, 2024 Page 2 4857-7933-2310.v1 member retains final authority as to whom the class member wish to provide claims filing services. This does not answer why NPA should not provide written notice to any such class members who signed up with NPA so that they may cancel any contract entered into with NPA for claims-filing or other services related to the current litigation.

- I am not aware of a requirement, from the court, that requires a service provider to provide such notice. Therefore, the request is arbitrary and punitive to NPA without just cause.

Your statement regarding the “rule of law” is unclear. Further, once an authorization to file has been accepted, barring a conflict, that authorization would be operative.

- Non sequitur. It is my understanding that a class member may withdraw from third party claims service by providing written notice to the provider and the class administrator.
- The only calls NPA makes to class members is for the purpose of setting up a face-to-face meeting. It is during the meeting that class members can sign the Authorization to File Claim. To be clear, the Authorization to File Claim form is only presented to a class member in person at their location during a prescheduled face-to-face meeting. In fact, NPA does not send solicitations or

the Authorization to File Claim form to any class member by email, text, or make them available online.

- The Authorization to File Claim form is compliant with the courts requirements and since this is the only way a class member can receive our no cost claims service, NPA is operating within the courts guidelines.
- Sample Authorization to File Claim form

Authorization to File Claim

Legal Name: TIN/EIN:

Mailing Address (incl suite/unit #):

City, State, Zip Code:

Authorization:

I, , as an authorized representative of , hereby authorize National Processing Alliance Inc. ("NPA") to file a claim on behalf of the company in the **Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, MDL No. 1720 (MKB) (VMS)** (the "Case"). I understand that:

- NPA will file the claim at no cost to .
- NPA will not receive any payments on behalf of .
- The settlement amount will be determined by a court-appointed Class Administrator, if applicable, and sent directly to .
- Claim forms were mailed throughout the months of December 2023 and January 2024.
- Class members need not sign up for any third-party service to participate in any monetary relief.
- No-cost assistance will be available from the Class Administrator and Class Counsel during the claims-filing period.
- Additional information can be found at the Court-approved website <https://www.paymentcardsettlement.com/en>.

Signatory Authority Statement:

I, , hereby represent and warrant that I have the signatory authority to execute this Authorization on behalf of .

Full Name:

Title:

Date

Question 4: You state that "NPA does not have a recording of the call made to the class member that led to Class Counsel's Request to Show Cause."
Can you explain why the recording is not available?

- We record calls on our PBX internally, however that does not apply to independent contractors who work from home making calls to set appointments for NPA.

When Class Counsel spoke with you, you indicated that all calls are recorded.

- We record calls on our PBX internally, however that does not apply to independent contractors who work from home making calls to set appointments for NPA.

Can you explain why, if all calls are recorded, this recording is not in NPA's possession, custody or control?

- We record calls on our PBX internally, however that does not apply to independent contractors who work from home making calls to set appointments for NPA.

What is NPA's policy or procedure regarding the recording of calls as well as the retention of such recordings?

- We record calls on our PBX internally, however that does not apply to independent contractors who work from home making calls to set appointments for NPA.
- Since NPA does not directly set appointments we have no policy regarding the recording of calls made by independent contractors.

Please respond by Friday, August 9, 2024. Class Counsel is required to file a status report regarding NPA's response to the Court's Order to Show Cause by Monday, August 12, 2024.